



Consumer Protection Committee

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LRB096 07354 RLC 23290 a

1 AMENDMENT TO HOUSE BILL 603

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 603 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Tobacco Accessories and Smoking Herbs  
5 Control Act is amended by changing Sections 2, 3, and 4 as  
6 follows:

7 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

8 Sec. 2. Purpose.

9 (a) The sale and possession of marijuana, hashish, cocaine,  
10 opium and their derivatives, is not only prohibited by Illinois  
11 Law, but the use of these substances has been deemed injurious  
12 to the health of the user.

13 It has further been determined by the Surgeon General of  
14 the United States that the use of tobacco is hazardous to human  
15 health.

16 The ready availability of smoking herbs to minors could

1 lead to the use of tobacco and illegal drugs.

2 It is in the best interests of the citizens of the State of  
3 Illinois to seek to prohibit the spread of illegal drugs,  
4 tobacco or smoking materials to minors. The prohibition of the  
5 sale of tobacco and snuff accessories and smoking herbs to  
6 minors would help to curb the usage of illegal drugs and  
7 tobacco products, among our youth.

8 (b) The General Assembly finds and declares that there has  
9 been a proliferation of flavored cigarettes and other tobacco  
10 products in recent years. Many of these products have flavors  
11 that are particularly attractive to children. These tobacco  
12 products have included flavors such as various fruits, candy,  
13 chocolate, vanilla, honey, other sweeteners, nut, mint, cocoa,  
14 desserts, soft drinks, alcoholic beverages, herb and spice  
15 flavorings or other flavorings that are attractive to youth.  
16 According to survey evidence and public health experts,  
17 children are more likely to choose flavored cigarettes and  
18 other tobacco products, and thus the existence of these  
19 products increases the incidence of tobacco use among children.  
20 Moreover, the earlier that an individual begins using tobacco,  
21 the more likely he or she will become addicted to tobacco  
22 products and will continue to use tobacco products throughout  
23 his or her lifetime. Accordingly, flavored tobacco products  
24 result in increased tobacco use, increased addiction, a greater  
25 incidence of smoking-related illnesses, increased health care  
26 costs, and more smoking-related deaths. The General Assembly

1 therefore finds and declares that flavored smokeable tobacco  
2 products present a significant threat to public health and to  
3 our children, and that the sale of flavored smokeable tobacco  
4 products must be restricted.

5 (Source: P.A. 82-487.)

6 (720 ILCS 685/3) (from Ch. 23, par. 2358-3)

7 Sec. 3. Definitions. The following definitions shall apply  
8 to this Act:

9 (a) "Tobacco accessories" shall mean cigarette papers,  
10 pipes, holders of smoking materials of all types, cigarette  
11 rolling machines, and other items, designed primarily for the  
12 smoking or ingestion of tobacco products or of substances made  
13 illegal under any statute or of substances whose sale, gift,  
14 barter, or exchange is made unlawful under this Act.

15 (b) "Smoking herbs" shall mean all substances of plant  
16 origin and their derivatives, including but not limited to  
17 broom, calea, California poppy, damiana, hops, ginseng,  
18 lobelia, jimson weed and other members of the Datura genus,  
19 passion flower and wild lettuce, which are processed or sold  
20 primarily for use as smoking materials.

21 (c) "Bidi cigarette" means a product that contains tobacco  
22 that is wrapped in temburni or tendu leaf or that is wrapped in  
23 any other material identified by rules of the Department of  
24 Public Health that is similar in appearance or characteristics  
25 to the temburni or tendu leaf.

1       (d) "Characterizing flavor" means a predominant flavor,  
2 taste, or aroma (other than tobacco or menthol for all  
3 smokeable tobacco products and cigars) produced by the tobacco  
4 product or its smoke either prior to or during consumption.

5       (Source: P.A. 91-734, eff. 1-1-01.)

6           (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

7           Sec. 4. Offenses.

8           (a) Sale to minors. No person shall knowingly sell, barter,  
9 exchange, deliver or give away or cause or permit or procure to  
10 be sold, bartered, exchanged, delivered, or given away tobacco  
11 accessories or smoking herbs to any person under 18 years of  
12 age.

13          (a-5) Sale of bidi cigarettes. No person shall knowingly  
14 sell, barter, exchange, deliver, or give away a bidi cigarette  
15 to another person, nor shall a person cause or permit or  
16 procure a bidi cigarette to be sold, bartered, exchanged,  
17 delivered, or given away to another person.

18          (a-6) No person shall knowingly sell, distribute, or offer  
19 for sale or distribution in this State or to any person in this  
20 State any smokeable tobacco product or any component part  
21 thereof (including but not limited to the tobacco, paper, or  
22 filter, and any components for roll-your-own cigarettes),  
23 which contains a constituent (including a smoke constituent) or  
24 additive or artificial or natural flavoring that produces a  
25 characterizing flavor. A public statement or claim by the

1 manufacturer, or by any person authorized or permitted by the  
2 manufacturer to make public statements concerning the  
3 smokeable tobacco product, that a smokeable tobacco product has  
4 or produces a characterizing flavor, taste, or aroma (other  
5 than tobacco or menthol for all smokeable tobacco products and  
6 cigars) shall constitute proof that the smokeable tobacco  
7 product has a characterizing flavor.

8 This subsection (a-6) does not apply to the sale,  
9 distribution, or offering for sale or distribution in this  
10 State of any cigar with a pre-tax retail price of \$3 or more.

11 (b) Sale of cigarette paper. No person shall knowingly  
12 offer, sell, barter, exchange, deliver or give away cigarette  
13 paper or cause, permit, or procure cigarette paper to be sold,  
14 offered, bartered, exchanged, delivered, or given away except  
15 from premises or an establishment where other tobacco products  
16 are sold. For purposes of this Section, "tobacco products"  
17 means cigarettes, cigars, smokeless tobacco, or tobacco in any  
18 of its forms.

19 (c) Sale of cigarette paper from vending machines. No  
20 person shall knowingly offer, sell, barter, exchange, deliver  
21 or give away cigarette paper or cause, permit, or procure  
22 cigarette paper to be sold, offered, bartered, exchanged,  
23 delivered, or given away by use of a vending or coin-operated  
24 machine or device. For purposes of this Section, "cigarette  
25 paper" shall not include any paper that is incorporated into a  
26 product to which a tax stamp must be affixed under the

1 Cigarette Tax Act or the Cigarette Use Tax Act.

2 (d) Use of identification cards. No person in the  
3 furtherance or facilitation of obtaining smoking accessories  
4 and smoking herbs shall display or use a false or forged  
5 identification card or transfer, alter, or deface an  
6 identification card.

7 (e) Warning to minors. Any person, firm, partnership,  
8 company or corporation operating a place of business where  
9 tobacco accessories and smoking herbs are sold or offered for  
10 sale shall post in a conspicuous place upon the premises a sign  
11 upon which there shall be imprinted the following statement,  
12 "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER  
13 EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO  
14 PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be  
15 printed on a white card in red letters at least one-half inch  
16 in height.

17 (Source: P.A. 91-734, eff. 1-1-01.)".